SUF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2007 DEC 27 AM 9:31
CLERK, US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Ezequiel MANZO-Gaitan,** Defendant	Magistrate Docket No. '07 MJ 2990 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **December 24, 2007** within the Southern District of California, defendant, **Ezequiel MANZO-Gaitan,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Yesenia A. Navarro
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th** DAY OF **DECEMBER 2007**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

SCF

CONTINUATION OF C[OMP]LAINT:
Ezequiel MANZO-Gaitan

PROBABLE CAUSE STATEMENT

On December 24, 2007, at approximately 11:55 P.M., the RVSS (Remote Video Surveillance System) operator advised via agency radio of a group of individuals running north from the Primary border fence near the area commonly known as, "Libertad," This area is approximately two miles east of the San Ysidro, California, Port of Entry. While performing All Terrain Vehicle (ATV) operations, Senior Patrol Agent J. Nesbit, responded to the area. Upon the arrival of Agent Nesbit the group attempted to return south into Mexico, after a short pursuit Agent Nesbit managed to apprehend two individuals including one later identified as the defendant **Ezequiel MANZO-Gaitan**. Due to the close proximity to the United States / Mexico International Boundary Fence, which is approximately 50 yards south, and due to the fact that this area is frequently used by undocumented aliens to further their entry into the United States, Agent Nesbit identified himself as a Border Patrol Agent, and conducted an immigration inspection on both individuals. Both subjects, including the defendant admitted to being citizens and nationals of Mexico illegally in the United States, and did not possess any documents that would allow them to legally enter or remain in the United States. Agent Nesbit arrested both individuals and transported them to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 14, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico, and that he is present without immigration documents that would allow him to enter or remain in the United States legally.